

Remarks

Claims 34 and 37-39 are pending the application.

**Judicially Created Doctrine of
Obvious Type Double Patenting**

Claims 34 and 37-39 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting based on the Examiner's contention that they are not patentably distinct from claims 39, 43, 44, 47, 51, 53, 63, 66, 68, 70, 74, 92 and 93 of copending U.S. Patent Application No. 09/405,269 (the "'269 application"). Applicants respectfully traverse this contention.

However, solely to expedite prosecution to allowance of the pending claims, Applicants submit a Terminal Disclaimer, corresponding to the '269 patent application that complies with the requirements of 37 CFR 1.321(c).

Accordingly, withdrawal of the rejections under the judicially-created doctrine of obviousness-type double patenting is respectfully requested.

Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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Date: 6/26/06